IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL WRIT PETITION NO.4405 OF 1997

Mr.Mujibulla Ismail Sherif — Petitioner
Vs.
Union of India & ors. — Respondents

None for petitioner.
None for respondents.

CORAM: B.H.MARLAPALLE & D.B.BHOSALE,JJ.

April 10, 2006.

P.C.

1. The petitioner's late father Mohamed Ismail Sharief was a Central Government Employee i.e. India Government Mint and he died on 22/11/1983. His family was permitted to stay in the quarter he was occupying viz. Quarter No.6/72, C.G.S. Colony at Ghatkopar and belonging to the Directorate of Estates. The petitioner being the son was employed on 19/3/1984 and he applied for regularisation of the quarter occupied by his father, though he was entitled for Type I accommodation and the Government of India Mint was not eligible for such an accommodation. He, therefore, applied for a departmental accommodation on 5/7/1985 but it was the contention of the respondent no.3 that the petitioner never applied for the same. The petitioner, therefore, approached the Central Administrative Tribunal in O.A. No.966 of 1996 which came to be

disposed off and it was observed that the petitioner having been employed on 19/3/1984, he was not in the employment of the Government of India on the date his father expired i.e. on 29/11/1983 and, therefore, he was not eligible for the quarter being regularised in his name. However, the Tribunal directed the respondent no.3 to hold that the petitioner applied for a departmental accommodation on 5/7/1985 and to interpolate his name in the waiting list accordingly. The respondent no.3 was further directed to allot him the accommodation in his turn subject to the position in the waiting list.

2. While granting Rule, interim relief in terms of prayer clause (d) was granted. The petitioner was allowed to continue in Quarter No.6/72, Type "B", CGS Colony, Ghatkopar until he would be allotted a departmental quarter by respondent no.3 and the respondents were restrained from recovering more than the normal licence fees applicable to the said quarter. This order was passed on 26/9/1997.

3. In view of the interim order passed the petitioner was duly protected and we are also satisfied that the reasoning given by the

Administrative Tribunal in O.A. No.966 of 1996 did not suffer from any errors apparent on the face of the record so as to cause interference in the same. The petitioner was duly protected by the equitable order passed by the Tribunal and by the interim order passed by this Court he was allowed to continue in the quarter allotted to his father till he would be allotted the departmental quarter. During the last about nine years the petitioner has not taken any steps to bring on record whether the respondent no.3 allotted the departmental quarter or his application was not considered and, therefore he was required to continue in the old quarter consequently in view of the order passed by this Court.

4. In the result, this petition must fail and the same is hereby dismissed. Rule discharged.

(D.B.BHOSALE,J.) (B.H.MARLAPALLE,J.)